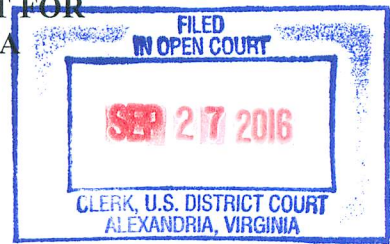


IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA)

v.)

KYLER GEORGE SCHMITZ,)

Defendant.)

Criminal No. 1:16-CR-201

Honorable Gerald Bruce Lee

STATEMENT OF FACTS

The United States and the defendant, KYLER GEORGE SCHMITZ, agree that at trial, the United States would have proven the following facts beyond a reasonable doubt with admissible and credible evidence:

1. Twitter owns and operates a free-access, social-networking website of the same name that can be accessed via a computer or a mobile telephone at <http://www.twitter.com>. Twitter permits users to read and create 140-character messages called "tweets," which constitute communications in interstate commerce.

2. On or about November 11, 2015, the defendant created an account on Twitter under the username "Chirperson."

3. On or about June 14, 2016, the defendant, using his Chirperson account on Twitter, knowingly and purposefully posted from within the Eastern District of Virginia a tweet directed at the Twitter account of a U.S. Senator, which included the following text: "@[U.S. Senator 1] I'm going to shoot you in the head for allowing someone to murder my loved ones." Under the text of this tweet was an animated picture that depicted a woman pointing her finger at the camera such that it would appear to a viewer of the picture that the woman is pointing at him or her.

4. On or about June 15, 2016, the defendant agreed to an interview with agents from the U.S. Capitol Police. During that interview, the defendant admitted that he posted the June 14, 2016 tweet described above. Capitol Police advised the defendant that threatening federal officials is a crime.

5. Then, on or about June 16, 2016, the defendant, using his Chirperson account on Twitter, knowingly and purposefully posted from within the Eastern District of Virginia three additional tweets directed at the Twitter account of U.S. Senator 1. The text of these tweets read as follows:

- a. “@[U.S. Senator 1] I admire how your brains are going to splatter across the room when I shoot you in the face flowers grow in your front yard [sic]”;
- b. “@[U.S. Senator 1] I’m going to love killing your brains out of your skull like scrabbled shit fuck you with my buy a gun to kill you someday soon [sic]”;
- c. “@[U.S. Senator 1] I am literally going to buy a gun shoot you in the face I watch your brains splat #BangBangByeBitch [sic]”

The latter tweet included a picture of a person pointing a gun at the camera such that it would appear to a viewer of the picture that the gun is being pointed at him or her.

6. Also on or about June 16, 2016, the defendant used his Chirperson account on Twitter to knowingly and purposefully post from within the Eastern District of Virginia a tweet directed at the Twitter account of another U.S. Senator. The text of that tweet read as follows:

“@[U.S. Senator 2] I’m going to shoot you in the face, you will not hurt my people again, I promise #BangBangByeBitch[.]” Under the text of this tweet was a picture of a young child smiling at the camera over which the following was written: “I will kill you all in your sleep[.]”

7. The defendant transmitted all five of the tweets discussed above either for the purpose of issuing threats or with knowledge that the communications would be viewed as threats. Further, for all five of the tweets quoted above, an ordinary, reasonable recipient who is familiar with the context in which the communications were made would interpret them as serious expressions of intent to do harm.

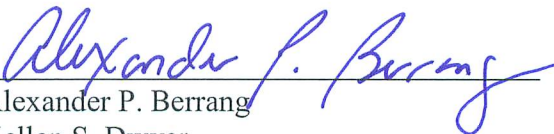
8. This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the defendant or to the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

9. The actions of the defendant, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

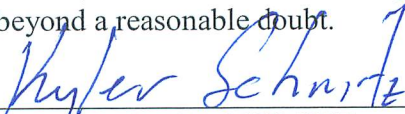
Respectfully submitted,

Dana J. Boente
United States Attorney

By:



Alexander P. Berrang
Kellen S. Dwyer
Assistant United States Attorneys

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, KYLER GEORGE SCHMITZ, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



KYLER GEORGE SCHMITZ

I am Jeremy C. Kamens, the defendant's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Jeremy C. Kamens, Esq.
Attorney for KYLER GEORGE SCHMITZ